

ORDINANCE NO. 2001-027

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE VII OF THE PALM BEACH COUNTY CODE (CODIFYING ORDINANCE NO. 98-13, THE "PALM BEACH COUNTY REGIONAL HAZARDOUS MATERIALS RESPONSE ORDINANCE OF 1998"); REVISING THE DEFINITION OF "TECHNICAL REVIEW TEAM"; REVISING QUALIFICATIONS TO SERVE ON THE TECHNICAL REVIEW TEAM; PROVIDING FOR ALTERNATE MEMBERS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Regional Hazardous Materials Response Ordinance of 1998 (Palm Beach County Ordinance 98-13, codified at Chapter 11, Article VII of the Palm Beach County Code) provided for regional hazardous materials response teams comprised of fire departments within Palm Beach County; and

WHEREAS, said Ordinance further created an oversight committee to establish the standards and review the effectiveness of delivering hazardous material emergency response services on a regional basis; and

WHEREAS, said ordinance further established a technical review team to be appointed by the oversight committee to review the regional hazardous materials response teams, and provided that the technical review team shall be comprised of three chief fire officers from fire-rescue departments within Palm Beach County that are not providing regional hazardous materials response teams; and

WHEREAS, the oversight committee has indicated that the technical review team is experiencing problems retaining qualified members based on the limited number of fire departments from which to draw members; and

WHEREAS, the oversight committee has recommended that said ordinance be amended to allow the technical review team to include members of a fire department that provides a response team, but to prohibit a technical review team member from reviewing its own fire

1 department.

2 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
3 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

4 Section 1.

5 Chapter 11, Article VII, Section 11-129, paragraph (h), of the
6 Palm Beach County Code, is hereby amended to read as follows:

7 (h) *Technical review team.* A three-person review
8 team, to be appointed by the oversight committee,
9 comprised of chief fire officers from ~~non-service~~
10 ~~provider,~~ fire-rescue departments within the
11 county.

12 Section 2.

13 Chapter 11, Article VII, Section 11-130, paragraph (5), of the
14 Palm Beach County Code, is hereby amended to read as follows:

15 (5). *Technical Review Team.* The oversight
16 committee shall appoint a ~~technical review~~
17 ~~team consisting of three (3) chief fire~~
18 ~~officers from fire-rescue departments not~~
19 ~~providing regional hazardous material teams.~~
20 three (3) members and three (3) alternate
21 members to serve on the technical review team.
22 Each member and alternate member shall be a
23 chief fire officer from a fire-rescue
24 department within Palm Beach County. No
25 member may serve on the technical review team
26 while the team is reviewing a service provider
27 which employs the member or with whom the
28 member is otherwise directly affiliated. In
29 such case, an alternate member shall serve on
30 the technical review team. An alternate
31 member also may serve on the technical review
32 team when a member is otherwise unavailable to
33 serve. Alternates shall be called to service
34 on a rotational basis.

35
36 Section 3. REPEAL OF LAWS IN CONFLICT:

37 All local laws and ordinances in conflict with any provisions
38 of this Ordinance are hereby repealed to the extent of such
39 conflict.

40 Section 4. SEVERABILITY:

41 If any provision, section, paragraph, sentence, clause,
42 phrase, or word of this Ordinance is for any reason held by the
43 Court to be unconstitutional, inoperative, or void, such holding
44 shall not affect the remainder of this Ordinance.

45 Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

46 The provisions of this Ordinance shall become and be made a

1 part of the Code of Laws and Ordinances of Palm Beach County,
2 Florida. The sections of this Ordinance may be renumbered or
3 relettered to accomplish such, and the word "ordinance" may be
4 changed to "section", "article", or other appropriate word.

5 SECTION 6. EFFECTIVE DATE:

6 The provisions of this Ordinance shall become effective upon
7 filing with the Department of State.

8 APPROVED and ADOPTED by the Board of County Commissioners of
9 Palm Beach County, Florida, on this the 19th day of
10 June, 2001.

11 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

12 By: 
13 Deputy Clerk

By: 

Warren H. Newell, Chairman


16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY

18 By: 
19 County Attorney

20 EFFECTIVE DATE: Filed with the Department of State on the

21 28th day of June, 2001.

22 H:\AgendaItems\hazmat ordinance

3 STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on June 19, 2001
DATED at West Palm Beach, FL on 7/17/01
DOROTHY H. WILKEN, Clerk
By:  D.C.